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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,369	09/18/2003	Charles R. Mahoney	276-77U1	8512

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PHILADELPHIA, PA 19103

EXAMINER

PENDLETON, BRIAN T

ART UNIT PAPER NUMBER

2644

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,369	Applicant(s) MAHONEY, CHARLES R.	
	Examiner Brian T. Pendleton	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott et al, US Patent 4,258,291. Scott discloses a device (portable light) comprising sound detector 4 (which is coupled to a bandpass filter, see column 2 lines 36-42), peak integrator 14, and controller 15 for providing a control output in response to the trigger signal from peak integrator 14. The control output is illumination of light source 2.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corris in view of Sirhan, US Patent 5,158,212. Corris discloses a sound actuated doll comprising sound detector 142, band pass filter (amplifier A2, resistors R5, R7, capacitors C1, C2) and a controller (Q1, Q2, voice output unit 46). Corris does not disclose a peak integrator for averaging amplitude peaks and outputting a trigger signal based on a predetermined range of

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the average filtered microphone signal. Sirhan discloses an amusement device comprising a voice activity circuit 90 comprising microphone 92, sensitivity threshold adjust member 96 and potentiometer 100, the purpose of the circuit 90 to actuate a pump based on a voice command received by the microphone 92. Column 5 line 59 – column 6 line 29 disclose that circuit elements 96 and 100 function as a peak integrator for ensuring that sounds that are not loud enough or are too short in duration are not used to trigger than pump. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the peak integrator, as taught by Sirhan, in the apparatus of Corris for the purpose of improving the sound detection quality and eliminating false triggering. Claim 1 is met. Regarding claim 2, the apparatus of Corris was designed to be responsive to a 14 kHz signal, however it would have been within reasonable experimentation for one of ordinary skill to propose a system responsive to a toy sound in the claimed frequency range for the purpose of constructing a sound responsive toy with the sound being audible to humans. As to claim 3, Corris controls a motor. As to claim 4, Corris was designed to be responsive to a high frequency sound signal produced by a squeezing a toy baby bottle. Thus, the level of amplitude required to trigger the voice output unit 46 and motor 32 was based on the toy baby bottle. It would have been obvious to one of ordinary skill in the art at the time of invention to use the sensitivity threshold adjust member 92 to select a predetermined range of filtered signals in accordance with the toy baby bottle sound in the modified Corris invention, per the teachings of Sirhan for the purpose of tailoring the circuitry to be responsive to the toy sound. Regarding claim 7, the controller of Corris is a sound synthesizer. As to claim 8, there is disclosed a microphone in Corris.

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Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corris in view of Sirhan, as applied to claim 4 above, further in view of Davidson. The combination of Corris and Sirhan does not disclose that the toy noise maker is a rattle shaken to generate the audible sound. In figure 1, Davison discloses a multiple activation crib toy 10 comprising rattle 23, and cartoon figures 50, 60, 70. A musical output and motions of the cartoon figures are actuated in response to noise produced in the crib. Column 5 lines 3-26 disclose that a microphone 100 (mistakenly referenced as '45') detects noises within the crib environment and actuates the musical output via electronic circuitry. Noises resulting from manipulation of the rattle 23 actuates the musical output, which reads on "toy noise maker is shaken to generate the sound." It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Corris and Sirhan to make it responsive to the sound produced by *shaking* a toy rattle, as taught by Davison, for the purpose of increasing the amusement of the user by having an actuating device that makes playful noise and is easier to manipulate than by squeezing a toy.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Hoffman, US Patent 4,670,864. Scott discloses a sound detector, band pass filter, peak integrator, and controller. Scott does not disclose that the controller disables the sound detection circuit for a predetermined period of time after receiving the trigger signal. Hoffman discloses a voice interruptible alarm device comprising microphone 1, filter 2, rectifier 3, monoflop 7, and IC 5. The user can trigger the alarm device to be interrupted based on a received voice signal through microphone 1. As disclosed in column 6 lines 59-65, the microphone and filter unit 2 are disconnected from the circuitry when the alarm signal is interrupted. It would have been

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obvious to one of ordinary skill in the art at the time of invention to modify Scott to have the microphone 4 disconnected from the trigger circuitry (band pass filter, peak integrator, controller) during triggering for the purpose of preventing the inadvertent re-triggering of the device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton
Examiner
Art Unit 2644



btp

BRIAN PENDLETON
PATENT EXAMINER